

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference BARO-2010PCT	FOR FURTHER ACTION		see Form PCT/ISA/220 as well as, where applicable, Item 5 below.
International application No. PCT/US2008/008729	International filing date (day/month/year) 17/07/2008	(Earliest) Priority Date (day/month/year) 18/07/2007	
Applicant BAROSENSE, INC.			

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 6 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☒ **Certain claims were found unsearchable** (See Box No. II)

3. ☒ **Unity of invention is lacking** (see Box No. III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 3
☒ as suggested by the applicant
☐ as selected by this Authority, because the applicant failed to suggest a figure
☐ as selected by this Authority, because this figure better characterizes the invention
- b. ☐ none of the figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No
PCT/US2008/008729

A. CLASSIFICATION OF SUBJECT MATTER
INV. A61B17/064 A61F5/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
A61B A61F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X ✓	US 2004/092892 A1 (KAGAN JONATHAN [US] ET AL) 13 May 2004 (2004-05-13) paragraphs [0021], [0023], [0034], [0282], [0290], [0409], [0410], [0414]; figures 5,23,24,58-61,65,68,69,73	19-31, 35,37, 42,54
Y ✓	WO 03/090633 A (SCIMED LIFE SYSTEMS INC <i>US-2003/0220660</i>) [US] 6 November 2003 (2003-11-06) paragraph [0009]; figures 4a,4b	19-31, 35,37, 42,54
Y ✓	WO 2004/019787 A (SCIMED LIFE SYSTEMS INC [US] BOSTON SCIENT LTD [BB]) <i>us2004/0044364</i> 11 March 2004 (2004-03-11) abstract; figures 2,2a,2b,4a,16 -/- ✓ = cited in US	19-31, 35,37, 42,54

☒ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- *S* document member of the same patent family

Date of the actual completion of the international search

22 April 2009

Date of mailing of the international search report

18/08/2009

Name and mailing address of the ISA:

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040,
Fax: (+31-70) 340-3016

Authorized officer

Assion, Jean-Charles

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2008/008729

C(Continuation): DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No:
Y ✓	WO 03/086246 A (BAROSENSE INC [US]; STACK RICHARD S [US]; ATHAS WILLIAM L [US]; WILLIA) 23 October 2003 (2003-10-23) <i>USPN 7,146,984</i> figures 6, 22a, 28a	19-31, 35, 37, 42, 54
A ✓	WO 2006/055365 A (INTRAPACE INC [US]) 26 May 2006 (2006-05-26) figures 1, 5a, 6	19
A	US 2005/033326 A1 (BRIGANTI RICHARD T [US] ET AL) 10 February 2005 (2005-02-10) figures 10b, 17a	19

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2008/008729

Box No. II Observations where certain claims were found unsearchable (Continuation of Item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 1-18
because they relate to subject matter not required to be searched by this Authority, namely:
Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery
Rule 39.1(iv) PCT - Method for treatment of the human or animal body by therapy
2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of Item 3 of first sheet)

This international Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fees, this Authority did not invite payment of additional fees.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

see additional sheet(s)

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 19-31,35,42,54

anchor

2. claims: 19,35,39,40,43-53,54

implant

3. claims: 32,33,34,36,37,38,41,54-61

tools for impantation, plication, cutting

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/US2008/008729

Patent document cited in search report:	Publication date	Patent family member(s)	Publication date
US 2004092892 A1	13-05-2004	US 2005096750 A1	05-05-2005
WO 03090633 A	06-11-2003	AT 336950 T	15-09-2006
		AU 2003237799 A1	10-11-2003
		CA 2484073 A1	06-11-2003
		DE 60307821 T2	29-03-2007
		EP 1503683 A2	09-02-2005
		JP 2005523106 T	04-08-2005
		US 2003220660 A1	27-11-2003
WO 2004019787 A	11-03-2004	AU 2003263892 A1	19-03-2004
		CA 2463870 A1	11-03-2004
		EP 1530442 A2	18-05-2005
		JP 2006500090 T	05-01-2006
		US 2004044364 A1	04-03-2004
WO 03086246 A	23-10-2003	AU 2003217401 A1	27-10-2003
		CN 1713870 A	28-12-2005
		CN 1713871 A	28-12-2005
		EP 1492478 A1	05-01-2005
		JP 2005522268 T	28-07-2005
		US 2004158331 A1	12-08-2004
WO 2006055365 A	26-05-2006	NONE	
US 2005033326 A1	10-02-2005	NONE	